

**RESOLUTION NO. 21/22-20
OF THE
MODESTO CITY SCHOOLS
RESOLUTION SUPPORTING AWARD OF LEASE-LEASEBACK AGREEMENTS
FOR THE EL VISTA ELEMENTARY SCHOOL CAFETERIA AND SITE
IMPROVMENT PROJECT**

WHEREAS, the Modesto City Schools (“District”) is currently undertaking project known as the EL VISTA ELEMENTARY SCHOOL CAFETERIA AND SITE IMPROVEMENT PROJECT (“Project”);

WHEREAS, on March 8, 2021, the District’s Board of Education (“Board”) adopted Resolution No. 20/21-23, adopting and publishing revised required procedures and guidelines (“Best Value Methodology”) for evaluating the qualifications of proposers on the Project to ensure the best value selections by the District are conducted in a fair and impartial manner pursuant to Education Code section 17406;

WHEREAS, the District incorporated the Best Value Methodology in a Request for Qualifications and Proposals (“RFQ/P”), which was advertised in The Modesto Bee once a week for two weeks, commencing on November 8, 2021, and completed on November 15, 2021 and submitted on November 5, 2021 for advertising in the Valley Builders Exchange, Inc. trade paper once a week for two weeks, commencing on November 12, 2021, and completed on November 19, 2021;

WHEREAS, attached hereto as **Exhibit “A”** is a copy of the Proof of Publication;

WHEREAS, District staff have reviewed proposals for the Project submitted in response to the Request for Qualifications and Proposals issued on November 8, 2021, in accordance with the adopted Best Value Methodology and taking into consideration the proposers’ demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required;

WHEREAS, after consideration of all of the proposals, the Board hereby awards the Site Lease and Facilities Lease (“Lease-Leaseback Agreements”) for the Project to J.L. Bray & Son, Inc., who was the highest ranked respondent according to the adopted Best Value Methodology;

WHEREAS, J.L. Bray & Son, Inc. has been prequalified pursuant to Education Code section 17406, Public Contract Code section 20111.6 and the RFQ/P requirements;

WHEREAS, Education Code section 17406 provides that the school district’s governing board shall issue a written decision supporting its contract award and stating in detail the basis of the award; and

WHEREAS, attached hereto as **Exhibit “B”** is a copy of the written findings of the Board supporting the Board’s award of the Lease-Leaseback Agreements to J.L. Bray & Son, Inc. for the Project.

NOW THEREFORE, the Modesto City Schools Board of Education hereby resolves, determines, and finds the following:

Section 1. That the foregoing recitals and the findings are true.

Section 2. That the District complied with the procedure set forth in Education Code section 17406, the Best Value Methodology adopted by the District and the Request for Qualifications and Proposals issued by the District.

Section 3. That J.L. Bray & Son, Inc. provided the best value to the District for the Project, taking into consideration the proposer's demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required.

Section 4. That, based on the foregoing, it is in the best interest of the District to award the Lease-Leaseback Agreements to J.L. Bray & Son, Inc. for the Project.

Section 5. That the Superintendent and designee(s) are authorized and directed to take any and all actions that are necessary to carry out, give effect to and comply with the terms and intent of this Resolution.

PASSED AND ADOPTED by the Board of Education of the Modesto City Schools, this 7th day of February 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

President of the Board of Education of the
Modesto City Schools

Attested to:

Clerk of the Board of Education of the
Modesto City Schools

Resolution No. 21/22-20
February 7, 2022

EXHIBIT A

PROOF OF PUBLICATION

SCHEDULE FOR AD NUMBER IPL00484320

November 8, 2021
The Modesto Bee
November 15, 2021
The Modesto Bee

Public Notice

Modesto City Schools
426 Locust St., Modesto, CA 95351

NOTICE TO PROPOSERS

Notice is hereby given that Modesto City Schools is inviting responses to a Request for Qualifications/Proposal, **RFQ/P No. 21-4762 Lease-Leaseback Construction Services (El Vista Elementary School Cafeteria and Site Improvement Project)**. This is a pre-qualification process for Lease-Leaseback Construction Services only and not a hard bid; the District will not be accepting subcontractor bids.

Sealed proposals will be received in the Modesto City Schools Purchasing Dept., 426 Locust St., Modesto, CA 95351 no later than 12:00 p.m. PT on Wednesday, December 15, 2021. Late proposals will be returned unopened. Proposals will not be opened publicly.

RFQ/P Instructions are on file and may be viewed in the District's Purchasing Department, 426 Locust St., Modesto, CA 95351 (209) 574-8490 or may be downloaded from <https://www.mcs4kids.com/district/purchasing/open-bids>. Additional specifications and drawings will be posted no later than November 23, 2021.

A mandatory informational meeting/job walk will be conducted on Monday, November 22, 2021 at 9:30 a.m. at El Vista Elementary School, 450 El Vista Avenue, Modesto, CA 95354.

All questions, clarifications, and Requests for Information (RFI) regarding this RFQ/P must be submitted in writing only to mcsbids@mcs4kids.com no later than 5:00 p.m. on Monday, November 29, 2021. Questions submitted after this deadline will not be answered.

Modesto City Schools reserves the right to reject any and all proposals and/or to waive any irregularity or informality.

Angela Zeoli
Director I, Purchasing
IPL0048432
Nov 8, 15 2021

11/12/2021

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VALLEY BUILDERS EXCHANGE
www.valleybx.com

* INDICATES UNCONFIRMED BIDDER
+ REQUESTING M/W/D/DVBE OR SECT 3 BIDS
\$ SUBS MAY BE REQUIRED TO BOND

ALL CONTRACTORS WISHING TO OBTAIN A CONFIRMED BIDDERS LIST FOR A PROJECT, MUST CONTACT THE EXCHANGE NO LATER THAN 12 NOON THE DAY PRIOR TO THE BID DATE. THE LIST WILL BE AVAILABLE THE MORNING OF THE BID. A PLANHOLDERS LIST WILL BE AVAILABLE IF LESS THAN TWO REQUESTS ARE RECEIVED.

RFQ/P LEASE-LEASEBACK CONSTRUCTION SERVICES EL VISTA ELEM CAFETERIA & SITE IMPROVEMENT

NEW

12/15/21 12:00 PM 21-03473 Modesto

Addenda/Memo's: 0

Prebid Conf: MAND A Mandatory Informational Meeting Will Be Conducted On Monday, November 22, 2021, At 9:30 A.M. The Meeting Will Be Held At El Vista Elementary School, 450 El Vista Avenue, Modesto, Ca 95354.

The District is not seeking hard bid proposals for this project. The purpose of this RFQ/P is to assemble a pool of qualified persons, firms, partnerships, corporations, associations, or professional organizations to provide constructability review, value engineering, master scheduling, cost estimating, budgeting, and construction services for the development and construction for the El Vista Elementary School Cafeteria and Site Improvement Project ("Project"), in accordance with the lease-leaseback structure set forth in Education Code section 17406 et seq. Selected developer shall have experience with the construction of public school facilities and complying with the requirements of the Office of Public School Construction ("OPSC"), the Division of the State Architect ("DSA"), and Title 24 of the California Code of Regulations.

Plan Issuer: Modesto City School

Zeoli.a@mcs4kids.com

PH: 209-574-8490

11/19/2021

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VALLEY BUILDERS EXCHANGE
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EXHIBIT B

FINDINGS REGARDING THE AWARD OF THE LEASE-LEASEBACK AGREEMENTS FOR THE EL VISTA ELEMENTARY SCHOOL CAFETERIA AND SITE IMPROVEMENT PROJECT

WHEREAS, J.L. Bray & Son, Inc. followed page length and layout direction and included requested document attachments as described by the Request for Qualifications/Proposals; and

WHEREAS, J.L. Bray & Son, Inc. has experience with the local environment and a local presence for interfacing with the District; and

WHEREAS, J.L. Bray & Son, Inc. received PASS on a PASS/FAIL scale for conflict of interest; and

WHEREAS, J.L. Bray & Son, Inc. received PASS on a PASS/FAIL scale for the firm's safety record; and

WHEREAS, J.L. Bray & Son, Inc. received PASS on a PASS/FAIL scale for proposed changes to the District's form of agreement; and

WHEREAS, J.L. Bray & Son, Inc. received 59 out of 60 points for price and price point awarded (i.e., fees, general conditions, contingency percentage, interest rate proposed on lease payments); and

WHEREAS, J.L. Bray & Son, Inc. received 55 out of 55 points for previous school district lease-leaseback experience; and

WHEREAS, J.L. Bray & Son, Inc. received 30 out of 30 points for technical expertise and relevant experience with like-Projects; and

WHEREAS, J.L. Bray & Son, Inc. received 30 out of 30 points for the project duration; and

WHEREAS, J.L. Bray & Son, Inc. received 25 out of 25 points for management and staffing approach, including skilled and trained workforce; and

WHEREAS, J.L. Bray & Son, Inc. received 25 out of 25 points for workforce and available skilled and qualified subcontractors; and

WHEREAS, J.L. Bray & Son, Inc. received 10 out of 10 points for overall financial strength of the firm, including cash, working capital and line of credit; and

WHEREAS, J.L. Bray & Son, Inc. received 10 out of 10 points for acceptable history of claims and litigation; and

WHEREAS, J.L. Bray & Son, Inc. received 5 out of 5 points for the availability of bonding capacity for the project; and

WHEREAS, J.L. Bray & Son, Inc.'s overall combined score was 249 out of 250 points based on RFQ/P evaluation criteria, which was the greatest number of points in accordance with the methodology described in the RFQ/P and was ranked as the best value to the District out of three qualified proposals submitted.